

AMENDED IN ASSEMBLY JUNE 23, 2009

AMENDED IN SENATE MAY 28, 2009

AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 41

Introduced by Senators Lowenthal and Hancock
(Coauthor: Assembly Member Ma)

January 6, 2009

An act to amend Sections 11106, 12030, ~~12074~~, 12076, 12077, and 12078 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 41, as amended, Lowenthal. Firearms.

Existing law requires the Attorney General to maintain certain information reported to the Department of Justice in connection with handgun transactions.

This bill would require the Attorney General to maintain certain information related to the dated delivery of handguns.

Existing law generally regulates the transfer of firearms by firearms dealers.

This bill would require that the dealer provide a copy of the record of transfer to the seller and purchaser of a firearm, as specified. The bill would also require the record of transfer to have the signatures of the purchaser and the dealer to acknowledge the date of transfer of a handgun.

Existing law requires firearms dealers to submit specified information in connection with firearms transfers to the Department of Justice in Sacramento.

This bill would remove the requirement that the information be sent to Sacramento.

~~Existing law provides various exemptions from various requirements pertaining to firearms transactions for law enforcement agencies and other government entities.~~

~~This bill would provide additional exemptions from certain requirements pertaining to the transfer or disposition of firearms for law enforcement agencies and government entities, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11106 of the Penal Code is amended to
2 read:

3 11106. (a) In order to assist in the investigation of crime, the
4 prosecution of civil actions by city attorneys pursuant to paragraph
5 (3) of subdivision (c), the arrest and prosecution of criminals, and
6 the recovery of lost, stolen, or found property, the Attorney General
7 shall keep and properly file a complete record of all copies of
8 fingerprints, copies of licenses to carry firearms issued pursuant
9 to Section 12050, information reported to the Department of Justice
10 pursuant to Section 12053, dealers' records of sales of firearms,
11 reports provided or submitted pursuant to Section 12021.3, 12072,
12 12077, 12078, or 12082, forms provided pursuant to Section 12084,
13 as that section read prior to being repealed by the act that amended
14 this section, reports provided pursuant to Section 12071 that are
15 not dealers' records of sales of firearms, and reports of stolen, lost,
16 found, pledged, or pawned property in any city or county of this
17 state, and shall, upon proper application therefor, furnish this
18 information to the officers referred to in Section 11105.

19 (b) (1) Except as provided in subdivision (d), the Attorney
20 General shall not retain or compile any information from reports
21 filed pursuant to subdivision (a) of Section 12078 for firearms that
22 are not handguns, from forms submitted pursuant to Section 12084,
23 as that section read prior to being repealed by the act that amended
24 this section, for firearms that are not handguns, or from dealers'
25 records of sales for firearms that are not handguns. All copies of
26 the forms submitted, or any information received in electronic
27 form, pursuant to Section 12084, as that section read prior to being

repealed by the act that amended this section, for firearms that are not handguns, or of the dealers' records of sales for firearms that are not handguns shall be destroyed within five days of the clearance by the Attorney General, unless the purchaser or transferor is ineligible to take possession of the firearm. All copies of the reports filed, or any information received in electronic form, pursuant to subdivision (a) of Section 12078 for firearms that are not handguns shall be destroyed within five days of the receipt by the Attorney General, unless retention is necessary for use in a criminal prosecution.

(2) A peace officer, the Attorney General, a Department of Justice employee designated by the Attorney General, or any authorized local law enforcement employee shall not retain or compile any information from a firearms transaction record, as defined in paragraph (5) of subdivision (c) of Section 12071, for firearms that are not handguns unless retention or compilation is necessary for use in a criminal prosecution or in a proceeding to revoke a license issued pursuant to Section 12071.

(3) A violation of this subdivision is a misdemeanor.

(c) (1) The Attorney General shall permanently keep and properly file and maintain all information reported to the Department of Justice pursuant to Sections 12071, 12072, 12078, 12082, and former Section 12084 or any other law, as to handguns and maintain a registry thereof.

(2) The registry shall consist of all of the following:

(A) The name, address, identification of, place of birth (state or country), complete telephone number, occupation, sex, description, and all legal names and aliases ever used by the owner or person being loaned the particular handgun as listed on the information provided to the department on the Dealers' Record of Sale, the Law Enforcement Firearms Transfer (LEFT), as defined in former Section 12084, or reports made to the department pursuant to Section 12078 or any other law.

(B) The name and address of, and other information about, any person (whether a dealer or a private party) from whom the owner acquired or the person being loaned the particular handgun and when the firearm was acquired or loaned as listed on the information provided to the department on the Dealers' Record of Sale, the LEFT, or reports made to the department pursuant to Section 12078 or any other law.

1 (C) Any waiting period exemption applicable to the transaction
2 which resulted in the owner of or the person being loaned the
3 particular handgun acquiring or being loaned that firearm.

4 (D) The manufacturer's name if stamped on the firearm, model
5 name or number if stamped on the firearm, and, if applicable, the
6 serial number, other number (if more than one serial number is
7 stamped on the firearm), caliber, type of firearm, if the firearm is
8 new or used, barrel length, and color of the firearm.

9 (3) Information in the registry referred to in this subdivision
10 shall, upon proper application therefor, be furnished to the officers
11 referred to in Section 11105, to a city attorney prosecuting a civil
12 action, solely for use in prosecuting that civil action and not for
13 any other purpose, or to the person listed in the registry as the
14 owner or person who is listed as being loaned the particular
15 handgun.

16 (4) If any person is listed in the registry as the owner of a firearm
17 through a Dealers' Record of Sale prior to 1979, and the person
18 listed in the registry requests by letter that the Attorney General
19 store and keep the record electronically, as well as in the record's
20 existing photographic, photostatic, or nonerasable optically stored
21 form, the Attorney General shall do so within three working days
22 of receipt of the request. The Attorney General shall, in writing,
23 and as soon as practicable, notify the person requesting electronic
24 storage of the record that the request has been honored as required
25 by this paragraph.

26 (d) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
27 of subdivision (b) of Section 11105 may disseminate the name of
28 the subject of the record, the number of the firearms listed in the
29 record, and the description of any firearm, including the make,
30 model, and caliber, from the record relating to any firearm's sale,
31 transfer, registration, or license record, or any information reported
32 to the Department of Justice pursuant to Section 12021.3, 12053,
33 12071, 12072, 12077, 12078, 12082, or 12285, if the following
34 conditions are met:

35 (A) The subject of the record has been arraigned for a crime in
36 which the victim is a person described in subdivisions (a) to (f),
37 inclusive, of Section 6211 of the Family Code and is being
38 prosecuted or is serving a sentence for the crime, or the subject of
39 the record is the subject of an emergency protective order, a
40 temporary restraining order, or an order after hearing, which is in

1 effect and has been issued by a family court under the Domestic
2 Violence Protection Act set forth in Division 10 (commencing
3 with Section 6200) of the Family Code.

4 (B) The information is disseminated only to the victim of the
5 crime or to the person who has obtained the emergency protective
6 order, the temporary restraining order, or the order after hearing
7 issued by the family court.

8 (C) Whenever a law enforcement officer disseminates the
9 information authorized by this subdivision, that officer or another
10 officer assigned to the case shall immediately provide the victim
11 of the crime with a “Victims of Domestic Violence” card, as
12 specified in subparagraph (H) of paragraph (9) of subdivision (c)
13 of Section 13701.

14 (2) The victim or person to whom information is disseminated
15 pursuant to this subdivision may disclose it as he or she deems
16 necessary to protect himself or herself or another person from
17 bodily harm by the person who is the subject of the record.

18 (e) In addition to the obligations to furnish information imposed
19 upon the department pursuant to paragraph (3) of subdivision (c),
20 the department shall, upon proper application, furnish to a person
21 who is listed as the owner of a firearm any information reported
22 to the department as it relates to his or her ownership of that
23 firearm.

24 (f) The department shall update information it maintains
25 regarding firearm ownership to maintain the accuracy of that
26 information.

27 SEC. 2. Section 12030 of the Penal Code is amended to read:

28 12030. (a) The officer having custody of any firearms which
29 may be useful to the California National Guard, the Coast Guard
30 Auxiliary, or to any military or naval agency of the federal or state
31 government, including, but not limited to, the California State
32 Military Museum and Resource Center, may, upon the authority
33 of the legislative body of the city, city and county, or county by
34 which he or she is employed and the approval of the Adjutant
35 General, deliver the firearms to the commanding officer of a unit
36 of the California National Guard, the Coast Guard Auxiliary, or
37 any other military agency of the state or federal government in
38 lieu of destruction as required by this chapter. The officer
39 delivering the firearms shall take a receipt for them containing a

1 complete description thereof and shall keep the receipt on file in
2 his or her office as a public record.

3 (b) Any law enforcement agency which has custody of any
4 firearms, or any parts of any firearms, which are subject to
5 destruction as required by this chapter may, in lieu of destroying
6 the weapons, retain and use any of them as may be useful in
7 carrying out the official duties of the agency, or upon approval of
8 a court, may release them to any other law enforcement agency
9 for use in carrying out the official duties of that agency, or may
10 turn over to the criminalistics laboratory of the Department of
11 Justice or the criminalistics laboratory of a police department,
12 sheriff's office, or district attorney's office any weapons which
13 may be useful in carrying out the official duties of their respective
14 agencies.

15 (c) Any firearm, or part of any firearm, which, rather than being
16 destroyed, is used for official purposes pursuant to this section
17 shall be destroyed by the agency using the weapon when it is no
18 longer needed by the agency for use in carrying out its official
19 duties. In the case of firearms or weaponry donated to the
20 California State Military Museum and Resource Center, they may
21 be disposed of pursuant to Section 179 of the Military and Veterans
22 Code.

23 (d) Any law enforcement agency which has custody of any
24 firearms, or any parts of any firearms, which are subject to
25 destruction as required by this chapter may, in lieu of destroying
26 the firearms, obtain an order from the superior court directing the
27 release of the firearms to the sheriff. The sheriff shall enter those
28 weapons into the Automated Firearms System (AFS), via the
29 California Law Enforcement Telecommunications System, with
30 a complete description of each weapon, including the make, type,
31 category, caliber, and serial number of the firearms, and the name
32 of the academy receiving the weapon entered into the AFS
33 miscellaneous field. The sheriff shall then release the firearms to
34 the basic training academy certified by the Commission on Peace
35 Officer Standards and Training, so that the firearms may be used
36 for instructional purposes in the certified courses. As used in this
37 section, the term "firearms" shall not include destructive devices,
38 as defined in Section 12301. All firearms released to an academy
39 shall be under the care, custody, and control of the particular
40 academy.

Any firearm, or part of any firearm, which is not destroyed, and is used for the purposes authorized by this section, shall be returned to the law enforcement agency which had original custody of the firearm when it is no longer needed by the basic training academy, or when the basic training academy is no longer certified by the commission. When those firearms are returned, the law enforcement agency to whom the firearms are returned, shall on the date of the return, enter into the Automated Firearms System (AFS), via the California Law Enforcement Telecommunications System, a complete description of each weapon, including the make, type, category, caliber, and serial number of the firearms, and the name of the entity returning the firearm.

(e) Any law enforcement agency that retains custody of any firearm, ~~or sells, delivers, or transfers a firearm~~ pursuant to this section or that ~~sells, delivers, transfers, or destroys a firearm~~ pursuant to Section 12028 ~~where the delivery is not conducted pursuant to Section 12021.3~~, shall notify the Department of Justice of the retention, ~~transfer, sale,~~ or destruction. This notification shall consist of a complete description of each firearm, including the name of the manufacturer or brand name, model, caliber, and serial number.

SEC. 3. Section 12071 of the Penal Code is amended to read:

12071. (a) (1) ~~As used in this chapter, the term "licensee," "person licensed pursuant to Section 12071," or "dealer" means a person who has all of the following:~~

- ~~(A) A valid federal firearms license.~~
- ~~(B) Any regulatory or business license, or licenses, required by local government.~~
- ~~(C) A valid seller's permit issued by the State Board of Equalization.~~
- ~~(D) A certificate of eligibility issued by the Department of Justice pursuant to paragraph (4).~~
- ~~(E) A license issued in the format prescribed by paragraph (6).~~
- ~~(F) Is among those recorded in the centralized list specified in subdivision (e).~~

~~(2) The duly constituted licensing authority of a city, county, or a city and county shall accept applications for, and may grant licenses permitting, licensees to sell firearms at retail within the city, county, or city and county. The duly constituted licensing~~

1 authority shall inform applicants who are denied licenses of the
2 reasons for the denial in writing.

3 (3) No license shall be granted to any applicant who fails to
4 provide a copy of his or her valid federal firearms license, valid
5 seller's permit issued by the State Board of Equalization, and the
6 certificate of eligibility described in paragraph (4).

7 (4) A person may request a certificate of eligibility from the
8 Department of Justice. The Department of Justice shall examine
9 its records and records available to the department in the National
10 Instant Criminal Background Check System in order to determine
11 if the applicant is prohibited by state or federal law from
12 possessing, receiving, owning, or purchasing a firearm and issue
13 a certificate to an applicant if the department's records indicate
14 that the applicant is not a person who is prohibited by state or
15 federal law from possessing firearms.

16 (5) The department shall adopt regulations to administer the
17 certificate of eligibility program and shall recover the full costs of
18 administering the program by imposing fees assessed to applicants
19 who apply for those certificates.

20 (6) A license granted by the duly constituted licensing authority
21 of any city, county, or city and county, shall be valid for not more
22 than one year from the date of issuance and shall be in one of the
23 following forms:

24 (A) In the form prescribed by the Attorney General.

25 (B) A regulatory or business license that states on its face "Valid
26 for Retail Sales of Firearms" and is endorsed by the signature of
27 the issuing authority.

28 (C) A letter from the duly constituted licensing authority having
29 primary jurisdiction for the applicant's intended business location
30 stating that the jurisdiction does not require any form of regulatory
31 or business license or does not otherwise restrict or regulate the
32 sale of firearms.

33 (7) Local licensing authorities may assess fees to recover their
34 full costs of processing applications for licenses.

35 (b) A license is subject to forfeiture for a breach of any of the
36 following prohibitions and requirements:

37 (1) (A) Except as provided in subparagraphs (B) and (C), the
38 business shall be conducted only in the buildings designated in the
39 license.

1 ~~(B) A person licensed pursuant to subdivision (a) may take~~
2 ~~possession of firearms and commence preparation of registers for~~
3 ~~the sale, delivery, or transfer of firearms at gun shows or events;~~
4 ~~as defined in Section 478.100 of Title 27 of the Code of Federal~~
5 ~~Regulations, or its successor, if the gun show or event is not~~
6 ~~conducted from any motorized or towed vehicle. A person~~
7 ~~conducting business pursuant to this subparagraph shall be entitled~~
8 ~~to conduct business as authorized herein at any gun show or event~~
9 ~~in the state without regard to the jurisdiction within this state that~~
10 ~~issued the license pursuant to subdivision (a), provided the person~~
11 ~~complies with (i) all applicable laws, including, but not limited to,~~
12 ~~the waiting period specified in subparagraph (A) of paragraph (3);~~
13 ~~and (ii) all applicable local laws, regulations, and fees, if any.~~

14 ~~A person conducting business pursuant to this subparagraph~~
15 ~~shall publicly display his or her license issued pursuant to~~
16 ~~subdivision (a), or a facsimile thereof, at any gun show or event,~~
17 ~~as specified in this subparagraph.~~

18 ~~(C) A person licensed pursuant to subdivision (a) may engage~~
19 ~~in the sale and transfer of firearms other than pistols, revolvers, or~~
20 ~~other firearms capable of being concealed upon the person, at~~
21 ~~events specified in subdivision (g) of Section 12078, subject to~~
22 ~~the prohibitions and restrictions contained in that subdivision.~~

23 ~~A person licensed pursuant to subdivision (a) also may accept~~
24 ~~delivery of firearms other than pistols, revolvers, or other firearms~~
25 ~~capable of being concealed upon the person, outside the building~~
26 ~~designated in the license, provided the firearm is being donated~~
27 ~~for the purpose of sale or transfer at an auction or similar event~~
28 ~~specified in subdivision (g) of Section 12078.~~

29 ~~(D) The firearm may be delivered to the purchaser, transferee,~~
30 ~~or person being loaned the firearm at one of the following places:~~

31 ~~(i) The building designated in the license.~~

32 ~~(ii) The places specified in subparagraph (B) or (C).~~

33 ~~(iii) The place of residence of, the fixed place of business of,~~
34 ~~or on private property owned or lawfully possessed by, the~~
35 ~~purchaser, transferee, or person being loaned the firearm.~~

36 ~~(2) The license or a copy thereof, certified by the issuing~~
37 ~~authority, shall be displayed on the premises where it can easily~~
38 ~~be seen.~~

39 ~~(3) No firearm shall be delivered:~~

1 ~~(A) Within 10 days of the application to purchase, or, after~~
2 ~~notice by the department pursuant to subdivision (d) of Section~~
3 ~~12076, within 10 days of the submission to the department of any~~
4 ~~correction to the application, or within 10 days of the submission~~
5 ~~to the department of any fee required pursuant to subdivision (e)~~
6 ~~of Section 12076, whichever is later.~~

7 ~~(B) Unless unloaded and securely wrapped or unloaded and in~~
8 ~~a locked container.~~

9 ~~(C) Unless the purchaser, transferee, or person being loaned the~~
10 ~~firearm presents clear evidence of his or her identity and age to~~
11 ~~the dealer.~~

12 ~~(D) Whenever the dealer is notified by the Department of Justice~~
13 ~~that the person is prohibited by state or federal law from processing,~~
14 ~~owning, purchasing, or receiving a firearm. The dealer shall make~~
15 ~~available to the person in the prohibited class a prohibited notice~~
16 ~~and transfer form, provided by the department, stating that the~~
17 ~~person is prohibited from owning or possessing a firearm, and that~~
18 ~~the person may obtain from the department the reason for the~~
19 ~~prohibition.~~

20 ~~(4) No pistol, revolver, or other firearm or imitation thereof~~
21 ~~capable of being concealed upon the person, or placard advertising~~
22 ~~the sale or other transfer thereof, shall be displayed in any part of~~
23 ~~the premises where it can readily be seen from the outside.~~

24 ~~(5) The licensee shall agree to and shall act properly and~~
25 ~~promptly in processing firearms transactions pursuant to Section~~
26 ~~12082.~~

27 ~~(6) The licensee shall comply with Sections 12073, 12076, and~~
28 ~~12077, subdivisions (a) and (b) and paragraph (1) of subdivision~~
29 ~~(f) of Section 12072, and subdivision (a) of Section 12316.~~

30 ~~(7) The licensee shall post conspicuously within the licensed~~
31 ~~premises the following warnings in block letters not less than one~~
32 ~~inch in height:~~

33 ~~(A) "IF YOU KEEP A LOADED FIREARM WITHIN ANY~~
34 ~~PREMISES UNDER YOUR CUSTODY OR CONTROL, AND~~
35 ~~A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND~~
36 ~~USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES~~
37 ~~IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A~~
38 ~~MISDEMEANOR OR A FELONY UNLESS YOU STORED~~
39 ~~THE FIREARM IN A LOCKED CONTAINER OR LOCKED~~

1 ~~THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT~~
2 ~~FROM TEMPORARILY FUNCTIONING.”~~

3 ~~(B) “IF YOU KEEP A PISTOL, REVOLVER, OR OTHER~~
4 ~~FIREARM CAPABLE OF BEING CONCEALED UPON THE~~
5 ~~PERSON, WITHIN ANY PREMISES UNDER YOUR CUSTODY~~
6 ~~OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE~~
7 ~~GAINS ACCESS TO THE FIREARM, AND CARRIES IT~~
8 ~~OFF-PREMISES, YOU MAY BE GUILTY OF A~~
9 ~~MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN~~
10 ~~A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH~~
11 ~~A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY~~
12 ~~FUNCTIONING.”~~

13 ~~(C) “IF YOU KEEP ANY FIREARM WITHIN ANY~~
14 ~~PREMISES UNDER YOUR CUSTODY OR CONTROL, AND~~
15 ~~A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO~~
16 ~~THE FIREARM, AND CARRIES IT OFF-PREMISES TO A~~
17 ~~SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE~~
18 ~~GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP~~
19 ~~TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS YOU~~
20 ~~STORED THE FIREARM IN A LOCKED CONTAINER, OR~~
21 ~~LOCKED THE FIREARM WITH A LOCKING DEVICE.”~~

22 ~~(D) “DISCHARGING FIREARMS IN POORLY~~
23 ~~VENTILATED AREAS, CLEANING FIREARMS, OR~~
24 ~~HANDLING AMMUNITION MAY RESULT IN EXPOSURE~~
25 ~~TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH~~
26 ~~DEFECTS, REPRODUCTIVE HARM, AND OTHER SERIOUS~~
27 ~~PHYSICAL INJURY. HAVE ADEQUATE VENTILATION AT~~
28 ~~ALL TIMES. WASH HANDS THOROUGHLY AFTER~~
29 ~~EXPOSURE.”~~

30 ~~(E) “FEDERAL REGULATIONS PROVIDE THAT IF YOU~~
31 ~~DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM~~
32 ~~THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30~~
33 ~~DAYS AFTER YOU COMPLETE THE INITIAL~~
34 ~~BACKGROUND CHECK PAPERWORK, THEN YOU HAVE~~
35 ~~TO GO THROUGH THE BACKGROUND CHECK PROCESS~~
36 ~~A SECOND TIME IN ORDER TO TAKE PHYSICAL~~
37 ~~POSSESSION OF THAT FIREARM.”~~

38 ~~(F) “NO PERSON SHALL MAKE AN APPLICATION TO~~
39 ~~PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR~~
40 ~~OTHER FIREARM CAPABLE OF BEING CONCEALED UPON~~

1 ~~THE PERSON WITHIN ANY 30-DAY PERIOD AND NO~~
2 ~~DELIVERY SHALL BE MADE TO ANY PERSON WHO HAS~~
3 ~~MADE AN APPLICATION TO PURCHASE MORE THAN ONE~~
4 ~~PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF~~
5 ~~BEING CONCEALED UPON THE PERSON WITHIN ANY~~
6 ~~30-DAY PERIOD.”~~

7 (8) (A) ~~Commencing April 1, 1994, and until January 1, 2003,~~
8 ~~no pistol, revolver, or other firearm capable of being concealed~~
9 ~~upon the person shall be delivered unless the purchaser, transferee,~~
10 ~~or person being loaned the firearm presents to the dealer a basic~~
11 ~~firearms safety certificate.~~

12 (B) ~~Commencing January 1, 2003, no dealer may deliver a~~
13 ~~handgun unless the person receiving the handgun presents to the~~
14 ~~dealer a valid handgun safety certificate. The firearms dealer shall~~
15 ~~retain a photocopy of the handgun safety certificate as proof of~~
16 ~~compliance with this requirement.~~

17 (C) ~~Commencing January 1, 2003, no handgun may be delivered~~
18 ~~unless the purchaser, transferee, or person being loaned the firearm~~
19 ~~presents documentation indicating that he or she is a California~~
20 ~~resident. Satisfactory documentation shall include a utility bill~~
21 ~~from within the last three months, a residential lease, a property~~
22 ~~deed, or military permanent duty station orders indicating~~
23 ~~assignment within this state, or other evidence of residency as~~
24 ~~permitted by the Department of Justice. The firearms dealer shall~~
25 ~~retain a photocopy of the documentation as proof of compliance~~
26 ~~with this requirement.~~

27 (D) ~~Commencing January 1, 2003, except as authorized by the~~
28 ~~department, no firearms dealer may deliver a handgun unless the~~
29 ~~recipient performs a safe handling demonstration with that~~
30 ~~handgun. The demonstration shall commence with the handgun~~
31 ~~unloaded and locked with the firearm safety device with which it~~
32 ~~is required to be delivered, if applicable. While maintaining muzzle~~
33 ~~awareness, that is, the firearm is pointed in a safe direction,~~
34 ~~preferably down at the ground, and trigger discipline, that is, the~~
35 ~~trigger finger is outside of the trigger guard and along side of the~~
36 ~~handgun frame, at all times, the handgun recipient shall correctly~~
37 ~~and safely perform the following:~~

38 (i) ~~If the handgun is a semiautomatic pistol:~~

39 (I) ~~Remove the magazine.~~

1 ~~(II) Lock the slide back. If the model of firearm does not allow~~
2 ~~the slide to be locked back, pull the slide back, visually and~~
3 ~~physically check the chamber to ensure that it is clear.~~

4 ~~(III) Visually and physically inspect the chamber, to ensure that~~
5 ~~the handgun is unloaded.~~

6 ~~(IV) Remove the firearm safety device, if applicable. If the~~
7 ~~firearm safety device prevents any of the previous steps, remove~~
8 ~~the firearm safety device during the appropriate step.~~

9 ~~(V) Load one bright orange, red, or other readily identifiable~~
10 ~~dummy round into the magazine. If no readily identifiable dummy~~
11 ~~round is available, an empty cartridge casing with an empty primer~~
12 ~~pocket may be used.~~

13 ~~(VI) Insert the magazine into the magazine well of the firearm.~~

14 ~~(VII) Manipulate the slide release or pull back and release the~~
15 ~~slide.~~

16 ~~(VIII) Remove the magazine.~~

17 ~~(IX) Visually inspect the chamber to reveal that a round can be~~
18 ~~chambered with the magazine removed.~~

19 ~~(X) Lock the slide back to eject the bright orange, red, or other~~
20 ~~readily identifiable dummy round. If the handgun is of a model~~
21 ~~that does not allow the slide to be locked back, pull the slide back~~
22 ~~and physically check the chamber to ensure that the chamber is~~
23 ~~clear. If no readily identifiable dummy round is available, an empty~~
24 ~~cartridge casing with an empty primer pocket may be used.~~

25 ~~(XI) Apply the safety, if applicable.~~

26 ~~(XII) Apply the firearm safety device, if applicable. This~~
27 ~~requirement shall not apply to an Olympic competition pistol if~~
28 ~~no firearms safety device, other than a cable lock that the~~
29 ~~department has determined would damage the barrel of the pistol,~~
30 ~~has been approved for the pistol, and the pistol is either listed in~~
31 ~~paragraph (2) of subdivision (h) of Section 12132 or is subject to~~
32 ~~paragraph (3) of subdivision (h) of Section 12132.~~

33 ~~(ii) If the handgun is a double-action revolver:~~

34 ~~(I) Open the cylinder.~~

35 ~~(II) Visually and physically inspect each chamber, to ensure~~
36 ~~that the revolver is unloaded.~~

37 ~~(III) Remove the firearm safety device. If the firearm safety~~
38 ~~device prevents any of the previous steps, remove the firearm~~
39 ~~safety device during the appropriate step.~~

1 ~~(IV) While maintaining muzzle awareness and trigger discipline,~~
2 ~~load one bright orange, red, or other readily identifiable dummy~~
3 ~~round into a chamber of the cylinder and rotate the cylinder so that~~
4 ~~the round is in the next-to-fire position. If no readily identifiable~~
5 ~~dummy round is available, an empty cartridge casing with an empty~~
6 ~~primer pocket may be used.~~

7 ~~(V) Close the cylinder.~~

8 ~~(VI) Open the cylinder and eject the round.~~

9 ~~(VII) Visually and physically inspect each chamber to ensure~~
10 ~~that the revolver is unloaded.~~

11 ~~(VIII) Apply the firearm safety device, if applicable. This~~
12 ~~requirement shall not apply to an Olympic competition pistol if~~
13 ~~no firearms safety device, other than a cable lock that the~~
14 ~~department has determined would damage the barrel of the pistol,~~
15 ~~has been approved for the pistol, and the pistol is either listed in~~
16 ~~paragraph (2) of subdivision (h) of Section 12132 or is subject to~~
17 ~~paragraph (3) of subdivision (h) of Section 12132.~~

18 ~~(iii) If the handgun is a single-action revolver:~~

19 ~~(I) Open the loading gate.~~

20 ~~(II) Visually and physically inspect each chamber, to ensure~~
21 ~~that the revolver is unloaded.~~

22 ~~(III) Remove the firearm safety device required to be sold with~~
23 ~~the handgun. If the firearm safety device prevents any of the~~
24 ~~previous steps, remove the firearm safety device during the~~
25 ~~appropriate step.~~

26 ~~(IV) Load one bright orange, red, or other readily identifiable~~
27 ~~dummy round into a chamber of the cylinder, close the loading~~
28 ~~gate and rotate the cylinder so that the round is in the next-to-fire~~
29 ~~position. If no readily identifiable dummy round is available, an~~
30 ~~empty cartridge casing with an empty primer pocket may be used.~~

31 ~~(V) Open the loading gate and unload the revolver.~~

32 ~~(VI) Visually and physically inspect each chamber to ensure~~
33 ~~that the revolver is unloaded.~~

34 ~~(VII) Apply the firearm safety device, if applicable. This~~
35 ~~requirement shall not apply to an Olympic competition pistol if~~
36 ~~no firearms safety device, other than a cable lock that the~~
37 ~~department has determined would damage the barrel of the pistol,~~
38 ~~has been approved for the pistol, and the pistol is either listed in~~
39 ~~paragraph (2) of subdivision (h) of Section 12132 or is subject to~~
40 ~~paragraph (3) of subdivision (h) of Section 12132.~~

1 ~~(E) The recipient shall receive instruction regarding how to~~
2 ~~render that handgun safe in the event of a jam.~~

3 ~~(F) The firearms dealer shall sign and date an affidavit stating~~
4 ~~that the requirements of subparagraph (D) have been met. The~~
5 ~~firearms dealer shall additionally obtain the signature of the~~
6 ~~handgun purchaser on the same affidavit. The firearms dealer shall~~
7 ~~retain the original affidavit as proof of compliance with this~~
8 ~~requirement.~~

9 ~~(G) The recipient shall perform the safe handling demonstration~~
10 ~~for a department-certified instructor.~~

11 ~~(H) No demonstration shall be required if the dealer is returning~~
12 ~~the handgun to the owner of the handgun.~~

13 ~~(I) Department-certified instructors who may administer the~~
14 ~~safe handling demonstration shall meet the requirements set forth~~
15 ~~in subdivision (j) of Section 12804.~~

16 ~~(J) The persons who are exempt from the requirements of~~
17 ~~subdivision (b) of Section 12801, pursuant to Section 12807, are~~
18 ~~also exempt from performing the safe handling demonstration.~~

19 ~~(9) Commencing July 1, 1992, the licensee shall offer to provide~~
20 ~~the purchaser or transferee of a firearm, or person being loaned a~~
21 ~~firearm, with a copy of the pamphlet described in Section 12080~~
22 ~~and may add the cost of the pamphlet, if any, to the sales price of~~
23 ~~the firearm.~~

24 ~~(10) The licensee shall not commit an act of collusion as defined~~
25 ~~in Section 12072.~~

26 ~~(11) The licensee shall post conspicuously within the licensed~~
27 ~~premises a detailed list of each of the following:~~

28 ~~(A) All charges required by governmental agencies for~~
29 ~~processing firearm transfers required by Sections 12076, 12082,~~
30 ~~and 12806.~~

31 ~~(B) All fees that the licensee charges pursuant to Sections 12082~~
32 ~~and 12806.~~

33 ~~(12) The licensee shall not misstate the amount of fees charged~~
34 ~~by a governmental agency pursuant to Sections 12076, 12082, and~~
35 ~~12806.~~

36 ~~(13) Except as provided in subparagraphs (B) and (C) of~~
37 ~~paragraph (1) of subdivision (b), all firearms that are in the~~
38 ~~inventory of the licensee shall be kept within the licensed location.~~
39 ~~The licensee shall report the loss or theft of any firearm that is~~
40 ~~merchandise of the licensee, any firearm that the licensee takes~~

1 possession of pursuant to Section 12082, or any firearm kept at
2 the licensee's place of business within 48 hours of discovery to
3 the appropriate law enforcement agency in the city, county, or city
4 and county where the licensee's business premises are located.

5 (14) Except as provided in subparagraphs (B) and (C) of
6 paragraph (1) of subdivision (b), any time when the licensee is not
7 open for business, all inventory firearms shall be stored in the
8 licensed location. All firearms shall be secured using one of the
9 following methods as to each particular firearm:

10 (A) Store the firearm in a secure facility that is a part of, or that
11 constitutes, the licensee's business premises.

12 (B) Secure the firearm with a hardened steel rod or cable of at
13 least one-eighth inch in diameter through the trigger guard of the
14 firearm. The steel rod or cable shall be secured with a hardened
15 steel lock that has a shackle. The lock and shackle shall be
16 protected or shielded from the use of a boltcutter and the rod or
17 cable shall be anchored in a manner that prevents the removal of
18 the firearm from the premises.

19 (C) Store the firearm in a locked fireproof safe or vault in the
20 licensee's business premises.

21 (15) The licensing authority in an unincorporated area of a
22 county or within a city may impose security requirements that are
23 more strict or are at a higher standard than those specified in
24 paragraph (14).

25 (16) Commencing January 1, 1994, the licensee shall, upon the
26 issuance or renewal of a license, submit a copy of the same to the
27 Department of Justice.

28 (17) The licensee shall maintain and make available for
29 inspection during business hours to any peace officer, authorized
30 local law enforcement employee, or Department of Justice
31 employee designated by the Attorney General, upon the
32 presentation of proper identification, a firearms transaction record.

33 (18) (A) On the date of receipt, the licensee shall report to the
34 Department of Justice in a format prescribed by the department
35 the acquisition by the licensee of the ownership of a handgun.

36 (B) The provisions of this paragraph shall not apply to any of
37 the following transactions:

38 (i) A transaction subject to the provisions of subdivision (n) of
39 Section 12078.

40 (ii) The dealer acquired the firearm from a wholesaler.

1 ~~(iii) The dealer is also licensed as a secondhand dealer pursuant~~
2 ~~to Article 4 (commencing with Section 21625) of Chapter 9 of~~
3 ~~Division 8 of the Business and Professions Code and that dealer~~
4 ~~acquired a handgun and reported that acquisition pursuant to the~~
5 ~~provisions of Section 21628 of the Business and Professions Code.~~

6 ~~(iv) The dealer acquired the firearm from a person who is~~
7 ~~licensed as a manufacturer or importer to engage in those activities~~
8 ~~pursuant to Chapter 44 (commencing with Section 921) of Title~~
9 ~~18 of the United States Code and any regulations issued pursuant~~
10 ~~thereto.~~

11 ~~(v) The dealer acquired the firearm from a person who resides~~
12 ~~outside this state who is licensed pursuant to Chapter 44~~
13 ~~(commencing with Section 921) of Title 18 of the United States~~
14 ~~Code and any regulations issued pursuant thereto.~~

15 ~~(19) The licensee shall forward in a format prescribed by the~~
16 ~~Department of Justice, information as required by the department~~
17 ~~on any firearm that is not delivered within the time period set forth~~
18 ~~in Section 478.102(c) of Title 27 of the Code of Federal~~
19 ~~Regulations.~~

20 ~~(20) (A) Firearms dealers may require any agent who handles,~~
21 ~~sells, or delivers firearms to obtain and provide to the dealer a~~
22 ~~certificate of eligibility from the department pursuant to paragraph~~
23 ~~(4) of subdivision (a). The agent or employee shall provide on the~~
24 ~~application, the name and California firearms dealer number of~~
25 ~~the firearms dealer with whom he or she is employed.~~

26 ~~(B) The department shall notify the firearms dealer in the event~~
27 ~~that the agent or employee who has a certificate of eligibility is or~~
28 ~~becomes prohibited from possessing firearms.~~

29 ~~(C) If the local jurisdiction requires a background check of the~~
30 ~~agents or employees of the firearms dealer, the agent or employee~~
31 ~~shall obtain a certificate of eligibility pursuant to subparagraph~~
32 ~~(A).~~

33 ~~(D) Nothing in this paragraph shall be construed to preclude a~~
34 ~~local jurisdiction from conducting an additional background check~~
35 ~~pursuant to Section 11105 or prohibiting employment based on~~
36 ~~criminal history that does not appear as part of obtaining a~~
37 ~~certificate of eligibility, provided however, that the local~~
38 ~~jurisdiction may not charge a fee for the additional criminal history~~
39 ~~check.~~

~~(E) The licensee shall prohibit any agent who the licensee knows or reasonably should know is within a class of persons prohibited from possessing firearms pursuant to Section 12021 or 12021.1 of this code, or Section 8100 or 8103 of the Welfare and Institutions Code, from coming into contact with any firearm that is not secured and from accessing any key, combination, code, or other means to open any of the locking devices described in clause (ii) of subparagraph (G) of this paragraph.~~

~~(F) Nothing in this paragraph shall be construed as preventing a local government from enacting an ordinance imposing additional conditions on licensees with regard to agents.~~

~~(G) For purposes of this section, the following definitions shall apply:~~

~~(i) An “agent” is an employee of the licensee.~~

~~(ii) “Secured” means a firearm that is made inoperable in one or more of the following ways:~~

~~(I) The firearm is inoperable because it is secured by a firearms safety device listed on the department’s roster of approved firearms safety devices pursuant to subdivision (d) of Section 12088.~~

~~(II) The firearm is stored in a locked gun safe or long-gun safe which meets the standards for department-approved gun safes set forth in Section 12088.2.~~

~~(III) The firearm is stored in a distinct locked room or area in the building that is used to store firearms that can only be unlocked by a key, a combination, or similar means.~~

~~(IV) The firearm is secured with a hardened steel rod or cable that is at least one-eighth of an inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a boltcutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises.~~

~~(e) (1) As used in this article, “clear evidence of his or her identity and age” means either of the following:~~

~~(A) A valid California driver’s license.~~

~~(B) A valid California identification card issued by the Department of Motor Vehicles.~~

~~(2) As used in this section, a “secure facility” means a building that meets all of the following specifications:~~

~~(A) All perimeter doorways shall meet one of the following:~~

1 (i) ~~A windowless steel security door equipped with both a dead~~
2 ~~bolt and a doorknob lock.~~

3 (ii) ~~A windowed metal door that is equipped with both a dead~~
4 ~~bolt and a doorknob lock. If the window has an opening of five~~
5 ~~inches or more measured in any direction, the window shall be~~
6 ~~covered with steel bars of at least one-half of one inch in diameter~~
7 ~~or metal grating of at least 9 gauge affixed to the exterior or interior~~
8 ~~of the door.~~

9 (iii) ~~A metal grate that is padlocked and affixed to the licensee's~~
10 ~~premises independent of the door and doorframe.~~

11 (B) ~~All windows are covered with steel bars.~~

12 (C) ~~Heating, ventilating, air conditioning, and service openings~~
13 ~~are secured with steel bars, metal grating, or an alarm system.~~

14 (D) ~~Any metal grates have spaces no larger than six inches wide~~
15 ~~measured in any direction.~~

16 (E) ~~Any metal screens have spaces no larger than three inches~~
17 ~~wide measured in any direction.~~

18 (F) ~~All steel bars shall be no further than six inches apart.~~

19 (3) ~~As used in this section, "licensed premises," "licensed place~~
20 ~~of business," "licensee's place of business," or "licensee's business~~
21 ~~premises" means the building designated in the license.~~

22 (4) ~~For purposes of paragraph (17) of subdivision (b):~~

23 (A) ~~A "firearms transaction record" is a record containing the~~
24 ~~same information referred to in subdivision (a) of Section 478.124,~~
25 ~~Section 478.124a, and subdivision (c) of Section 478.125 of Title~~
26 ~~27 of the Code of Federal Regulations.~~

27 (B) ~~A licensee shall be in compliance with the provisions of~~
28 ~~paragraph (17) of subdivision (b) if he or she maintains and makes~~
29 ~~available for inspection during business hours to any peace officer,~~
30 ~~authorized local law enforcement employee, or Department of~~
31 ~~Justice employee designated by the Attorney General, upon the~~
32 ~~presentation of proper identification, the bound book containing~~
33 ~~the same information referred to in Section 478.124a and~~
34 ~~subdivision (c) of Section 478.125 of Title 27 of the Code of~~
35 ~~Federal Regulations and the records referred to in subdivision (a)~~
36 ~~of Section 478.124 of Title 27 of the Code of Federal Regulations.~~

37 (d) ~~Upon written request from a licensee, the licensing authority~~
38 ~~may grant an exemption from compliance with the requirements~~
39 ~~of paragraph (14) of subdivision (b) if the licensee is unable to~~
40 ~~comply with those requirements because of local ordinances,~~

1 covenants, lease conditions, or similar circumstances not under
2 the control of the licensee.

3 (e) (1) Except as otherwise provided in this paragraph, the
4 Department of Justice shall keep a centralized list of all persons
5 licensed pursuant to subparagraphs (A) to (E), inclusive, of
6 paragraph (1) of subdivision (a). The department may remove from
7 this list any person who knowingly or with gross negligence
8 violates this article. Upon removal of a dealer from this list,
9 notification shall be provided to local law enforcement and
10 licensing authorities in the jurisdiction where the dealer's business
11 is located.

12 (2) The department shall remove from the centralized list any
13 person whose federal firearms license has expired or has been
14 revoked.

15 (3) Information compiled from the list shall be made available,
16 upon request, for the following purposes only:

17 (A) For law enforcement purposes.

18 (B) When the information is requested by a person licensed
19 pursuant to Chapter 44 (commencing with Section 921) of Title
20 18 of the United States Code for determining the validity of the
21 license for firearm shipments.

22 (C) When information is requested by a person promoting,
23 sponsoring, operating, or otherwise organizing a show or event as
24 defined in Section 478.100 of Title 27 of the Code of Federal
25 Regulations, or its successor, who possesses a valid certificate of
26 eligibility issued pursuant to Section 12071.1, if that information
27 is requested by the person to determine the eligibility of a
28 prospective participant in a gun show or event to conduct
29 transactions as a firearms dealer pursuant to subparagraph (B) of
30 paragraph (1) of subdivision (b).

31 (4) Information provided pursuant to paragraph (3) shall be
32 limited to information necessary to corroborate an individual's
33 current license status as being one of the following:

34 (A) A person licensed pursuant to subparagraphs (A) to (E),
35 inclusive, of paragraph (1) of subdivision (a).

36 (B) A person licensed pursuant to Chapter 44 (commencing
37 with Section 921) of Title 18 of the United States Code and who
38 is not subject to the requirement that he or she be licensed pursuant
39 to subparagraphs (A) to (E), inclusive, of paragraph (1) of
40 subdivision (a).

1 ~~(f) The Department of Justice may inspect dealers to ensure~~
2 ~~compliance with this article. The department may assess an annual~~
3 ~~fee, not to exceed one hundred fifteen dollars (\$115), to cover the~~
4 ~~reasonable cost of maintaining the list described in subdivision~~
5 ~~(e), including the cost of inspections. Dealers whose place of~~
6 ~~business is in a jurisdiction that has adopted an inspection program~~
7 ~~to ensure compliance with firearms law shall be exempt from that~~
8 ~~portion of the department's fee that relates to the cost of~~
9 ~~inspections. The applicant is responsible for providing evidence~~
10 ~~to the department that the jurisdiction in which the business is~~
11 ~~located has the inspection program.~~

12 ~~(g) The Department of Justice shall maintain and make available~~
13 ~~upon request information concerning the number of inspections~~
14 ~~conducted and the amount of fees collected pursuant to subdivision~~
15 ~~(f), a listing of exempted jurisdictions, as defined in subdivision~~
16 ~~(f), the number of dealers removed from the centralized list defined~~
17 ~~in subdivision (e), and the number of dealers found to have violated~~
18 ~~this article with knowledge or gross negligence.~~

19 ~~(h) Paragraph (14) or (15) of subdivision (b) shall not apply to~~
20 ~~a licensee organized as a nonprofit public benefit or mutual benefit~~
21 ~~corporation organized pursuant to Part 2 (commencing with Section~~
22 ~~5110) or Part 3 (commencing with Section 7110) of Division 2 of~~
23 ~~the Corporations Code, if both of the following conditions are~~
24 ~~satisfied:~~

25 ~~(1) The nonprofit public benefit or mutual benefit corporation~~
26 ~~obtained the dealer's license solely and exclusively to assist that~~
27 ~~corporation or local chapters of that corporation in conducting~~
28 ~~auctions or similar events at which firearms are auctioned off to~~
29 ~~fund the activities of that corporation or the local chapters of the~~
30 ~~corporation.~~

31 ~~(2) The firearms are not handguns.~~

32 ~~SEC. 4.~~

33 ~~SEC. 3.~~ Section 12076 of the Penal Code is amended to read:
34 12076. (a) (1) Before January 1, 1998, the Department of
35 Justice shall determine the method by which a dealer shall submit
36 firearm purchaser information to the department and the
37 information shall be in one of the following formats:

38 (A) Submission of the register described in Section 12077.

39 (B) Electronic or telephonic transfer of the information contained
40 in the register described in Section 12077.

1 (2) On or after January 1, 1998, electronic or telephonic transfer,
2 including voice or facsimile transmission, shall be the exclusive
3 means by which purchaser information is transmitted to the
4 department.

5 (3) On or after January 1, 2003, except as permitted by the
6 department, electronic transfer shall be the exclusive means by
7 which information is transmitted to the department. Telephonic
8 transfer shall not be permitted for information regarding sales of
9 any firearms.

10 (b) (1) Where the register is used, the purchaser of any firearm
11 shall be required to present clear evidence of his or her identity
12 and age, as defined in Section 12071, to the dealer, and the dealer
13 shall require him or her to sign his or her current legal name and
14 affix his or her residence address and date of birth to the register
15 in quadruplicate. The salesperson shall affix his or her signature
16 to the register in quadruplicate as a witness to the signature and
17 identification of the purchaser. Any person furnishing a fictitious
18 name or address or knowingly furnishing any incorrect information
19 or knowingly omitting any information required to be provided
20 for the register and any person violating any provision of this
21 section is guilty of a misdemeanor, provided however, that any
22 person who is prohibited from obtaining a firearm pursuant to
23 Section 12021 or 12021.1 of this code, or Section 8100 or 8103
24 of the Welfare and Institutions Code who knowingly furnishes a
25 fictitious name or address or knowingly furnishes any incorrect
26 information or knowingly omits any information required to be
27 provided for the register shall be punished by imprisonment in a
28 county jail not exceeding one year or imprisonment in the state
29 prison for a term of 8, 12, or 18 months.

30 (2) The original of the register shall be retained by the dealer
31 in consecutive order. Each book of 50 originals shall become the
32 permanent register of transactions that shall be retained for not
33 less than three years from the date of the last transaction and shall
34 be available for the inspection of any peace officer, Department
35 of Justice employee designated by the Attorney General, or agent
36 of the federal Bureau of Alcohol, Tobacco, Firearms, and
37 Explosives upon the presentation of proper identification, but no
38 information shall be compiled therefrom regarding the purchasers
39 or other transferees of firearms that are not pistols, revolvers, or
40 other firearms capable of being concealed upon the person.

1 (3) Two copies of the original sheet of the register, on the date
2 of the application to purchase, shall be placed in the mail, postage
3 prepaid, and properly addressed to the Department of Justice.

4 (4) (A) Prior to the time that the firearm is delivered, if
5 requested, a photocopy of the original shall be provided to the
6 purchaser by the dealer.

7 (B) A photocopy of the original shall be provided to the
8 purchaser by the dealer at the time of delivery of the firearm after
9 the dealer notes the date of delivery and, if the firearm is a handgun,
10 after the dealer and the purchaser acknowledge receipt of the
11 handgun that is the subject of the transaction by the purchaser.

12 (C) The provisions of this paragraph apply whenever a dealer
13 is delivering a firearm pursuant to subdivision (c) of Section 12072
14 or Section 12082.

15 (5) If the transaction is a private party transfer conducted
16 pursuant to Section 12082, a photocopy of the original shall be
17 provided to the seller by the dealer at the time that the register is
18 signed by the seller. The dealer shall redact all of the purchaser's
19 personal information, as required pursuant to paragraph (1) of
20 subdivision (b) and paragraph (1) of subdivision (c) of Section
21 12077, from the seller's copy, and the seller's personal information
22 from the purchaser's copy.

23 (c) (1) Where the electronic or telephonic transfer of applicant
24 information is used, the purchaser shall be required to present clear
25 evidence of his or her identity and age, as defined in Section 12071,
26 to the dealer, and the dealer shall require him or her to sign his or
27 her current legal name to the record of electronic or telephonic
28 transfer. The salesperson shall affix his or her signature to the
29 record of electronic or telephonic transfer as a witness to the
30 signature and identification of the purchaser. Any person furnishing
31 a fictitious name or address or knowingly furnishing any incorrect
32 information or knowingly omitting any information required to be
33 provided for the electronic or telephonic transfer and any person
34 violating any provision of this section is guilty of a misdemeanor,
35 provided however, that any person who is prohibited from
36 obtaining a firearm pursuant to Section 12021 or 12021.1 of this
37 code, or Section 8100 or 8103 of the Welfare and Institutions Code
38 who knowingly furnishes a fictitious name or address or knowingly
39 furnishes any incorrect information or knowingly omits any
40 information required to be provided for the register shall be

1 punished by imprisonment in a county jail not exceeding one year
2 or imprisonment in the state prison for a term of 8, 12, or 18
3 months.

4 (2) The record of applicant information shall be transmitted to
5 the Department of Justice by electronic or telephonic transfer on
6 the date of the application to purchase.

7 (3) The original of each record of electronic or telephonic
8 transfer shall be retained by the dealer in consecutive order. Each
9 original shall become the permanent record of the transaction that
10 shall be retained for not less than three years from the date of the
11 last transaction and shall be provided for the inspection of any
12 peace officer, Department of Justice employee designated by the
13 Attorney General, or agent of the federal Bureau of Alcohol,
14 Tobacco, Firearms, and Explosives upon the presentation of proper
15 identification, but no information shall be compiled therefrom
16 regarding the purchasers or other transferees of firearms that are
17 not pistols, revolvers, or other firearms capable of being concealed
18 upon the person.

19 (4) (A) Prior to the time that the firearm is delivered, if
20 requested, a copy of the record of electronic or telephonic transfer
21 shall be provided to the purchaser by the dealer.

22 (B) A copy of the record of electronic or telephonic transfer
23 shall be provided to the purchaser by the dealer at the time of
24 delivery of the firearm after the dealer notes the date of delivery
25 and, if the firearm is a handgun, after the dealer and the purchaser
26 acknowledge receipt of the handgun that is the subject of the
27 transaction by the purchaser.

28 (C) The provisions of this paragraph apply whenever a dealer
29 is delivering a firearm pursuant to subdivision (c) of Section 12072
30 or Section 12082.

31 (5) If the transaction is a private party transfer conducted
32 pursuant to Section 12082, a copy shall be provided to the seller
33 by the dealer at the time that the record of electronic or telephonic
34 transfer is signed by the seller. The dealer shall redact all of the
35 purchaser's personal information, as required pursuant to paragraph
36 (1) of subdivision (b) and paragraph (1) of subdivision (c) of
37 Section 12077, from the seller's copy, and the seller's personal
38 information from the purchaser's copy.

39 (d) (1) The department shall examine its records, as well as
40 those records that it is authorized to request from the State

1 Department of Mental Health pursuant to Section 8104 of the
2 Welfare and Institutions Code, in order to determine if the
3 purchaser is a person described in subparagraph (A) of paragraph
4 (9) of subdivision (a) of Section 12072, or is prohibited by state
5 or federal law from possessing, receiving, owning, or purchasing
6 a firearm.

7 (2) To the extent that funding is available, the Department of
8 Justice may participate in the National Instant Criminal Background
9 Check System (NICS), as described in subsection (t) of Section
10 922 of Title 18 of the United States Code, and, if that participation
11 is implemented, shall notify the dealer and the chief of the police
12 department of the city or city and county in which the sale was
13 made, or if the sale was made in a district in which there is no
14 municipal police department, the sheriff of the county in which
15 the sale was made, that the purchaser is a person prohibited from
16 acquiring a firearm under federal law.

17 (3) If the department determines that the purchaser is prohibited
18 by state or federal law from possessing, receiving, owning, or
19 purchasing a firearm or is a person described in subparagraph (A)
20 of paragraph (9) of subdivision (a) of Section 12072, it shall
21 immediately notify the dealer and the chief of the police department
22 of the city or city and county in which the sale was made, or if the
23 sale was made in a district in which there is no municipal police
24 department, the sheriff of the county in which the sale was made,
25 of that fact.

26 (4) If the department determines that the copies of the register
27 submitted to it pursuant to paragraph (3) of subdivision (b) contain
28 any blank spaces or inaccurate, illegible, or incomplete information,
29 preventing identification of the purchaser or the pistol, revolver,
30 or other firearm to be purchased, or if any fee required pursuant
31 to subdivision (e) is not submitted by the dealer in conjunction
32 with submission of copies of the register, the department may
33 notify the dealer of that fact. Upon notification by the department,
34 the dealer shall submit corrected copies of the register to the
35 department, or shall submit any fee required pursuant to subdivision
36 (e), or both, as appropriate and, if notification by the department
37 is received by the dealer at any time prior to delivery of the firearm
38 to be purchased, the dealer shall withhold delivery until the
39 conclusion of the waiting period described in Sections 12071 and
40 12072.

(5) If the department determines that the information transmitted to it pursuant to subdivision (c) contains inaccurate or incomplete information preventing identification of the purchaser or the pistol, revolver, or other firearm capable of being concealed upon the person to be purchased, or if the fee required pursuant to subdivision (e) is not transmitted by the dealer in conjunction with transmission of the electronic or telephonic record, the department may notify the dealer of that fact. Upon notification by the department, the dealer shall transmit corrections to the record of electronic or telephonic transfer to the department, or shall transmit any fee required pursuant to subdivision (e), or both, as appropriate, and if notification by the department is received by the dealer at any time prior to delivery of the firearm to be purchased, the dealer shall withhold delivery until the conclusion of the waiting period described in Sections 12071 and 12072.

(e) The Department of Justice may require the dealer to charge each firearm purchaser a fee not to exceed fourteen dollars (\$14), except that the fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the California Department of Industrial Relations. The fee shall be no more than is necessary to fund the following:

(1) (A) The department for the cost of furnishing this information.

(B) The department for the cost of meeting its obligations under paragraph (2) of subdivision (b) of Section 8100 of the Welfare and Institutions Code.

(2) Local mental health facilities for state-mandated local costs resulting from the reporting requirements imposed by Section 8103 of the Welfare and Institutions Code.

(3) The State Department of Mental Health for the costs resulting from the requirements imposed by Section 8104 of the Welfare and Institutions Code.

(4) Local mental hospitals, sanitariums, and institutions for state-mandated local costs resulting from the reporting requirements imposed by Section 8105 of the Welfare and Institutions Code.

(5) Local law enforcement agencies for state-mandated local costs resulting from the notification requirements set forth in subdivision (a) of Section 6385 of the Family Code.

1 (6) Local law enforcement agencies for state-mandated local
2 costs resulting from the notification requirements set forth in
3 subdivision (c) of Section 8105 of the Welfare and Institutions
4 Code.

5 (7) For the actual costs associated with the electronic or
6 telephonic transfer of information pursuant to subdivision (c).

7 (8) The Department of Food and Agriculture for the costs
8 resulting from the notification provisions set forth in Section 5343.5
9 of the Food and Agricultural Code.

10 (9) The department for the costs associated with subparagraph
11 (D) of paragraph (2) of subdivision (f) of Section 12072.

12 (10) The department for the costs associated with funding
13 Department of Justice firearms-related regulatory and enforcement
14 activities related to the sale, purchase, loan, or transfer of firearms
15 pursuant to this chapter.

16 The fee established pursuant to this subdivision shall not exceed
17 the sum of the actual processing costs of the department, the
18 estimated reasonable costs of the local mental health facilities for
19 complying with the reporting requirements imposed by paragraph
20 (2) of this subdivision, the costs of the State Department of Mental
21 Health for complying with the requirements imposed by paragraph
22 (3) of this subdivision, the estimated reasonable costs of local
23 mental hospitals, sanitariums, and institutions for complying with
24 the reporting requirements imposed by paragraph (4) of this
25 subdivision, the estimated reasonable costs of local law
26 enforcement agencies for complying with the notification
27 requirements set forth in subdivision (a) of Section 6385 of the
28 Family Code, the estimated reasonable costs of local law
29 enforcement agencies for complying with the notification
30 requirements set forth in subdivision (c) of Section 8105 of the
31 Welfare and Institutions Code imposed by paragraph (6) of this
32 subdivision, the estimated reasonable costs of the Department of
33 Food and Agriculture for the costs resulting from the notification
34 provisions set forth in Section 5343.5 of the Food and Agricultural
35 Code, the estimated reasonable costs of the department for the
36 costs associated with subparagraph (D) of paragraph (2) of
37 subdivision (f) of Section 12072, and the estimated reasonable
38 costs of department firearms-related regulatory and enforcement
39 activities related to the sale, purchase, loan, or transfer of firearms
40 pursuant to this chapter.

(f) (1) The Department of Justice may charge a fee sufficient to reimburse it for each of the following but not to exceed fourteen dollars (\$14), except that the fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the California Department of Industrial Relations:

(A) For the actual costs associated with the preparation, sale, processing, and filing of forms or reports required or utilized pursuant to Section 12078.

(B) For the actual processing costs associated with the submission of a Dealers' Record of Sale to the department.

(C) For the actual costs associated with the preparation, sale, processing, and filing of reports utilized pursuant to subdivision (l) of Section 12078 or paragraph (18) of subdivision (b) of Section 12071, or clause (i) of subparagraph (A) of paragraph (2) of subdivision (f) of Section 12072, or paragraph (3) of subdivision (f) of Section 12072.

(D) For the actual costs associated with the electronic or telephonic transfer of information pursuant to subdivision (c).

(2) If the department charges a fee pursuant to subparagraph (B) of paragraph (1) of this subdivision, it shall be charged in the same amount to all categories of transactions that are within that subparagraph.

(3) Any costs incurred by the Department of Justice to implement this subdivision shall be reimbursed from fees collected and charged pursuant to this subdivision. No fees shall be charged to the dealer pursuant to subdivision (e) for implementing this subdivision.

(g) All money received by the department pursuant to this section shall be deposited in the Dealers' Record of Sale Special Account of the General Fund, which is hereby created, to be available, upon appropriation by the Legislature, for expenditure by the department to offset the costs incurred pursuant to this section, paragraph (1) and subparagraph (D) of paragraph (2) of subdivision (f) of Section 12072, Sections 12083 and 12099, subdivision (c) of Section 12131, Sections 12234, 12289, and 12289.5, and subdivisions (f) and (g) of Section 12305.

(h) Where the electronic or telephonic transfer of applicant information is used, the department shall establish a system to be

1 used for the submission of the fees described in subdivision (e) to
2 the department.

3 (i) (1) Only one fee shall be charged pursuant to this section
4 for a single transaction on the same date for the sale of any number
5 of firearms that are not pistols, revolvers, or other firearms capable
6 of being concealed upon the person or for the taking of possession
7 of those firearms.

8 (2) In a single transaction on the same date for the delivery of
9 any number of firearms that are pistols, revolvers, or other firearms
10 capable of being concealed upon the person, the department shall
11 charge a reduced fee pursuant to this section for the second and
12 subsequent firearms that are part of that transaction.

13 (j) Only one fee shall be charged pursuant to this section for a
14 single transaction on the same date for taking title or possession
15 of any number of firearms pursuant to paragraph (18) of
16 subdivision (b) of Section 12071 or subdivision (c) or (i) of Section
17 12078.

18 (k) Whenever the Department of Justice acts pursuant to this
19 section as it pertains to firearms other than pistols, revolvers, or
20 other firearms capable of being concealed upon the person, the
21 department's acts or omissions shall be deemed to be discretionary
22 within the meaning of the California Tort Claims Act pursuant to
23 Division 3.6 (commencing with Section 810) of Title 1 of the
24 Government Code.

25 (l) As used in this section, the following definitions apply:

26 (1) "Purchaser" means the purchaser or transferee of a firearm
27 or a person being loaned a firearm.

28 (2) "Purchase" means the purchase, loan, or transfer of a firearm.

29 (3) "Sale" means the sale, loan, or transfer of a firearm.

30 (4) "Seller" means, if the transaction is being conducted pursuant
31 to Section 12082, the person selling, loaning, or transferring the
32 firearm.

33 ~~SEC. 5.~~

34 *SEC. 4.* Section 12077 of the Penal Code is amended to read:

35 12077. (a) The Department of Justice shall prescribe the form
36 of the register and the record of electronic transfer pursuant to
37 Section 12074.

38 (b) (1) For handguns, information contained in the register or
39 record of electronic transfer shall be the date and time of sale,
40 make of firearm, peace officer exemption status pursuant to

1 subdivision (a) of Section 12078 and the agency name, any
2 applicable waiting period exemption, California Firearms Dealer
3 number issued pursuant to Section 12071, for transactions
4 occurring prior to January 1, 2003, the purchaser's basic firearms
5 safety certificate number issued pursuant to Sections 12805 and
6 12809, for transactions occurring on or after January 1, 2003, the
7 purchaser's handgun safety certificate number issued pursuant to
8 Article 8 (commencing with Section 12800), manufacturer's name
9 if stamped on the firearm, model name or number, if stamped on
10 the firearm, if applicable, serial number, other number (if more
11 than one serial number is stamped on the firearm), any
12 identification number or mark assigned to the firearm pursuant to
13 Section 12092, caliber, type of firearm, if the firearm is new or
14 used, barrel length, color of the firearm, full name of purchaser,
15 purchaser's complete date of birth, purchaser's local address, if
16 current address is temporary, complete permanent address of
17 purchaser, identification of purchaser, purchaser's place of birth
18 (state or country), purchaser's complete telephone number,
19 purchaser's occupation, purchaser's sex, purchaser's physical
20 description, all legal names and aliases ever used by the purchaser,
21 yes or no answer to questions that prohibit purchase including, but
22 not limited to, conviction of a felony as described in Section 12021
23 or an offense described in Section 12021.1, the purchaser's status
24 as a person described in Section 8100 of the Welfare and
25 Institutions Code, whether the purchaser is a person who has been
26 adjudicated by a court to be a danger to others or found not guilty
27 by reason of insanity, whether the purchaser is a person who has
28 been found incompetent to stand trial or placed under
29 conservatorship by a court pursuant to Section 8103 of the Welfare
30 and Institutions Code, signature of purchaser, signature of
31 salesperson (as a witness to the purchaser's signature),
32 salesperson's certificate of eligibility number if he or she has
33 obtained a certificate of eligibility, name and complete address of
34 the dealer or firm selling the firearm as shown on the dealer's
35 license, the establishment number, if assigned, the dealer's
36 complete business telephone number, any information required by
37 Section 12082, any information required to determine whether or
38 not paragraph (6) of subdivision (c) of Section 12072 applies, and
39 a statement of the penalties for any person signing a fictitious name
40 or address or for knowingly furnishing any incorrect information

1 or for knowingly omitting any information required to be provided
2 for the register.

3 (2) Effective January 1, 2003, the purchaser shall provide his
4 or her right thumbprint on the register in a manner prescribed by
5 the department. No exception to this requirement shall be permitted
6 except by regulations adopted by the department.

7 (3) The firearms dealer shall record on the register or record of
8 electronic transfer the date that the handgun is delivered, together
9 with the firearms dealer's signature indicating delivery of the
10 handgun.

11 (4) The purchaser shall sign on the register or the record of
12 electronic or telephonic transfer the date that the handgun was
13 delivered to him or her.

14 (c) (1) For firearms other than handguns, information contained
15 in the register or record of electronic transfer shall be the date and
16 time of sale, peace officer exemption status pursuant to subdivision
17 (a) of Section 12078 and the agency name, any applicable waiting
18 period exemption, California Firearms Dealer number issued
19 pursuant to Section 12071, full name of purchaser, purchaser's
20 complete date of birth, purchaser's local address, if current address
21 is temporary, complete permanent address of purchaser,
22 identification of purchaser, purchaser's place of birth (state or
23 country), purchaser's complete telephone number, purchaser's
24 occupation, purchaser's sex, purchaser's physical description, all
25 legal names and aliases ever used by the purchaser, yes or no
26 answer to questions that prohibit purchase, including, but not
27 limited to, conviction of a felony as described in Section 12021
28 or an offense described in Section 12021.1, the purchaser's status
29 as a person described in Section 8100 of the Welfare and
30 Institutions Code, whether the purchaser is a person who has been
31 adjudicated by a court to be a danger to others or found not guilty
32 by reason of insanity, whether the purchaser is a person who has
33 been found incompetent to stand trial or placed under
34 conservatorship by a court pursuant to Section 8103 of the Welfare
35 and Institutions Code, signature of purchaser, signature of
36 salesperson (as a witness to the purchaser's signature),
37 salesperson's certificate of eligibility number if he or she has
38 obtained a certificate of eligibility, name and complete address of
39 the dealer or firm selling the firearm as shown on the dealer's
40 license, the establishment number, if assigned, the dealer's

1 complete business telephone number, any information required by
2 Section 12082, and a statement of the penalties for any person
3 signing a fictitious name or address or for knowingly furnishing
4 any incorrect information or for knowingly omitting any
5 information required to be provided for the register.

6 (2) Effective January 1, 2003, the purchaser shall provide his
7 or her right thumbprint on the register in a manner prescribed by
8 the department. No exception to this requirement shall be permitted
9 except by regulations adopted by the department.

10 (3) The firearms dealer shall record on the register or record of
11 electronic transfer the date that the firearm is delivered.

12 (d) Where the register is used, the following shall apply:

13 (1) Dealers shall use ink to complete each document.

14 (2) The dealer or salesperson making a sale shall ensure that all
15 information is provided legibly. The dealer and salespersons shall
16 be informed that incomplete or illegible information will delay
17 sales.

18 (3) Each dealer shall be provided instructions regarding the
19 procedure for completion of the form and routing of the form.
20 Dealers shall comply with these instructions which shall include
21 the information set forth in this subdivision.

22 (4) One firearm transaction shall be reported on each record of
23 sale document. For purposes of this subdivision, a “transaction”
24 means a single sale, loan, or transfer of any number of firearms
25 that are not handguns.

26 (e) The dealer or salesperson making a sale shall ensure that all
27 required information has been obtained from the purchaser. The
28 dealer and all salespersons shall be informed that incomplete
29 information will delay sales.

30 (f) Effective January 1, 2003, the purchaser’s name, date of
31 birth, and driver’s license or identification number shall be obtained
32 electronically from the magnetic strip on the purchaser’s driver’s
33 license or identification and shall not be supplied by any other
34 means except as authorized by the department. This requirement
35 shall not apply in either of the following cases:

36 (1) The purchaser’s identification consists of a military
37 identification card.

38 (2) Due to technical limitations, the magnetic stripe reader is
39 unable to obtain the required information from the purchaser’s

1 identification. In those circumstances, the firearms dealer shall
2 obtain a photocopy of the identification as proof of compliance.

3 (3) In the event that the dealer has reported to the department
4 that the dealer's equipment has failed, information pursuant to this
5 subdivision shall be obtained by an alternative method to be
6 determined by the department.

7 (g) As used in this section, the following definitions shall
8 control:

9 (1) "Purchaser" means the purchaser or transferee of a firearm
10 or the person being loaned a firearm.

11 (2) "Purchase" means the purchase, loan, or transfer of a firearm.

12 (3) "Sale" means the sale, loan, or transfer of a firearm.

13 ~~SEC. 6.~~

14 *SEC. 5.* Section 12078 of the Penal Code is amended to read:

15 12078. (a) (1) The waiting periods described in Sections 12071
16 and 12072 shall not apply to the deliveries, transfers, or sales of
17 firearms made to persons properly identified as full-time paid peace
18 officers as defined in Chapter 4.5 (commencing with Section 830)
19 of Title 3 of Part 2, provided that the peace officers are authorized
20 by their employer to carry firearms while in the performance of
21 their duties. Proper identification is defined as verifiable written
22 certification from the head of the agency by which the purchaser
23 or transferee is employed, identifying the purchaser or transferee
24 as a peace officer who is authorized to carry firearms while in the
25 performance of his or her duties, and authorizing the purchase or
26 transfer. The certification shall be delivered to the dealer at the
27 time of purchase or transfer and the purchaser or transferee shall
28 identify himself or herself as the person authorized in the
29 certification. The dealer shall keep the certification with the record
30 of sale. On the date that the delivery, sale, or transfer is made, the
31 dealer delivering the firearm shall transmit to the Department of
32 Justice an electronic or telephonic report of the transaction as is
33 indicated in subdivision (b) or (c) of Section 12077.

34 (2) Subdivision (b) of Section 12801 and the preceding
35 provisions of this article do not apply to deliveries, transfers, or
36 sales of firearms made to authorized law enforcement
37 representatives of cities, counties, cities and counties, or state or
38 federal governments for exclusive use by those governmental
39 agencies if, prior to the delivery, transfer, or sale of these firearms,
40 written authorization from the head of the agency authorizing the

1 transaction is presented to the person from whom the purchase,
2 delivery, or transfer is being made. Proper written authorization
3 is defined as verifiable written certification from the head of the
4 agency by which the purchaser or transferee is employed,
5 identifying the employee as an individual authorized to conduct
6 the transaction, and authorizing the transaction for the exclusive
7 use of the agency by which he or she is employed. Within 10 days
8 of the date a handgun is acquired by the agency, a record of the
9 same shall be entered as an institutional weapon into the Automated
10 Firearms System (AFS) via the California Law Enforcement
11 Telecommunications System (CLETS) by the law enforcement or
12 state agency. Those agencies without access to AFS shall arrange
13 with the sheriff of the county in which the agency is located to
14 input this information via this system.

15 (3) Subdivision (b) of Section 12801 and the preceding
16 provisions of this article do not apply to the loan of a firearm made
17 by an authorized law enforcement representative of a city, county,
18 or city and county, or the state or federal government to a peace
19 officer employed by that agency and authorized to carry a firearm
20 for the carrying and use of that firearm by that peace officer in the
21 course and scope of his or her duties.

22 (4) Subdivision (b) of Section 12801 and the preceding
23 provisions of this article do not apply to the delivery, sale, or
24 transfer of a firearm by a law enforcement agency to a peace officer
25 pursuant to Section 10334 of the Public Contract Code. Within 10
26 days of the date that a handgun is sold, delivered, or transferred
27 pursuant to Section 10334 of the Public Contract Code to that
28 peace officer, the name of the officer and the make, model, serial
29 number, and other identifying characteristics of the firearm being
30 sold, transferred, or delivered shall be entered into the Automated
31 Firearms System (AFS) via the California Law Enforcement
32 Telecommunications System (CLETS) by the law enforcement or
33 state agency that sold, transferred, or delivered the firearm. Those
34 agencies without access to AFS shall arrange with the sheriff of
35 the county in which the agency is located to input this information
36 via this system.

37 (5) Subdivision (b) of Section 12801 and the preceding
38 provisions of this article do not apply to the delivery, sale, or
39 transfer of a firearm by a law enforcement agency to a retiring
40 peace officer who is authorized to carry a firearm pursuant to

1 Section 12027.1. Within 10 days of the date that a handgun is sold,
2 delivered, or transferred to that retiring peace officer, the name of
3 the officer and the make, model, serial number, and other
4 identifying characteristics of the firearm being sold, transferred,
5 or delivered shall be entered into the Automated Firearms System
6 (AFS) via the California Law Enforcement Telecommunications
7 System (CLETS) by the law enforcement or state agency that sold,
8 transferred, or delivered the firearm. Those agencies without access
9 to AFS shall arrange with the sheriff of the county in which the
10 agency is located to input this information via this system.

11 (6) Subdivision (d) of Section 12072, and subdivision (b) of
12 Section 12801 do not apply to sales, deliveries, or transfers of
13 firearms to authorized representatives of cities, cities and counties,
14 counties, or state or federal governments for those governmental
15 agencies where the entity is acquiring the weapon as part of an
16 authorized, voluntary program where the entity is buying or
17 receiving weapons from private individuals. Any weapons acquired
18 pursuant to this paragraph shall be disposed of pursuant to the
19 applicable provisions of Section 12028 or 12032.

20 (7) Subdivision (d) of Section 12072 and subdivision (b) of
21 Section 12801 shall not apply to the sale, loan, delivery, or transfer
22 of a firearm made by an authorized law enforcement representative
23 of a city, county, city and county, state, or the federal government
24 to any public or private nonprofit historical society, museum, or
25 institutional collection or the purchase or receipt of that firearm
26 by that public or private nonprofit historical society, museum, or
27 institutional collection if all of the following conditions are met:

28 (A) The entity receiving the firearm is open to the public.

29 (B) The firearm prior to delivery is deactivated or rendered
30 inoperable.

31 (C) The firearm is not subject to Section 12028, 12028.5, 12030,
32 or 12032.

33 (D) The firearm is not prohibited by other provisions of law
34 from being sold, delivered, or transferred to the public at large.

35 (E) Prior to delivery, the entity receiving the firearm submits a
36 written statement to the law enforcement representative stating
37 that the firearm will not be restored to operating condition, and
38 will either remain with that entity, or if subsequently disposed of,
39 will be transferred in accordance with the applicable provisions
40 of this article and, if applicable, Section 12801.

1 (F) Within 10 days of the date that the firearm is sold, loaned,
2 delivered, or transferred to that entity, the name of the government
3 entity delivering the firearm, and the make, model, serial number,
4 and other identifying characteristics of the firearm and the name
5 of the person authorized by the entity to take possession of the
6 firearm shall be reported to the department in a manner prescribed
7 by the department.

8 (G) In the event of a change in the status of the designated
9 representative, the entity shall notify the department of a new
10 representative within 30 days.

11 (8) Subdivision (d) of Section 12072 and subdivision (b) of
12 Section 12801 shall not apply to the sale, loan, delivery, or transfer
13 of a firearm made by any person other than a representative of an
14 authorized law enforcement agency to any public or private
15 nonprofit historical society, museum, or institutional collection if
16 all of the following conditions are met:

17 (A) The entity receiving the firearm is open to the public.

18 (B) The firearm is deactivated or rendered inoperable prior to
19 delivery.

20 (C) The firearm is not of a type prohibited from being sold,
21 delivered, or transferred to the public.

22 (D) Prior to delivery, the entity receiving the firearm submits a
23 written statement to the person selling, loaning, or transferring the
24 firearm stating that the firearm will not be restored to operating
25 condition, and will either remain with that entity, or if subsequently
26 disposed of, will be transferred in accordance with the applicable
27 provisions of this article and, if applicable, Section 12801.

28 (E) If title to a handgun is being transferred to the public or
29 private nonprofit historical society, museum, or institutional
30 collection, then the designated representative of that public or
31 private historical society, museum, or institutional collection within
32 30 days of taking possession of that handgun, shall forward by
33 prepaid mail or deliver in person to the Department of Justice, a
34 single report signed by both parties to the transaction, that includes
35 information identifying the person representing that public or
36 private historical society, museum, or institutional collection, how
37 title was obtained and from whom, and a description of the firearm
38 in question, along with a copy of the written statement referred to
39 in subparagraph (D). The report forms that are to be completed

1 pursuant to this paragraph shall be provided by the Department of
2 Justice.

3 (F) In the event of a change in the status of the designated
4 representative, the entity shall notify the department of a new
5 representative within 30 days.

6 ~~(9) (A) Sections 12070 to 12077.5, inclusive, and subdivision~~
7 ~~(b) of Section 12801 do not apply to the acquisition, receipt, or~~
8 ~~disposition of a firearm by a duly authorized peace officer within~~
9 ~~the course and scope of his or her official duties, provided that the~~
10 ~~peace officer complies with subparagraph (C).~~

11 ~~(B) Sections 12070 to 12077.5, inclusive, do not apply to the~~
12 ~~acquisition, receipt, or disposition of a firearm by any person under~~
13 ~~the immediate direction, supervision, or instruction of a duly~~
14 ~~authorized peace officer within the course and scope of his or her~~
15 ~~official duties, provided that the person relinquishes the firearm~~
16 ~~to the peace officer within 12 hours of taking possession.~~

17 ~~(C) Except as provided in subparagraph (D), unless the~~
18 ~~employing agency's regulations set a shorter period of time, within~~
19 ~~24 hours of a peace officer coming into possession of a firearm~~
20 ~~pursuant to subparagraph (A), the officer shall cause that firearm~~
21 ~~to be delivered to his or her employing agency, unless that officer~~
22 ~~is required by law to immediately return the firearm to the person~~
23 ~~from whom the officer received the firearm.~~

24 ~~(D) In the case of peace officers employed by the Department~~
25 ~~of Fish and Game, unless the department's regulations set a shorter~~
26 ~~period of time, within 24 hours of a peace officer coming into~~
27 ~~possession of a firearm pursuant to subparagraph (A), the officer~~
28 ~~shall cause the firearm to be delivered to the officer's employing~~
29 ~~agency or to the sheriff of the county or the police department of~~
30 ~~the city where the officer took possession of the firearm, unless~~
31 ~~the officer is required by law to immediately return the firearm to~~
32 ~~the person from whom the officer received it. The Attorney~~
33 ~~General, in cooperation with those law enforcement agencies and~~
34 ~~firearms-related organizations as may choose to do so, shall~~
35 ~~develop a protocol for the implementation of this subparagraph.~~

36 ~~(E) All firearms acquired by a law enforcement agency pursuant~~
37 ~~to this paragraph shall be disposed of pursuant to the applicable~~
38 ~~provisions of Section 12028, 12028.5, 12030, or 12032.~~

39 (10)

(9) Section 12070, subdivision (d) of Section 12072, and subdivision (b) of Section 12801 do not apply to the delivery, sale, or transfer of firearms when made by authorized law enforcement representatives of cities, counties, cities and counties, or of the state or federal government, if all of the following conditions are met:

(A) The sale, delivery, or transfer is made to one of the following:

(i) A person licensed pursuant to Section 12071.
(ii) A wholesaler.
(iii) A manufacturer or importer of firearms licensed to engage in that business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(B) The sale, delivery, or transfer of the firearm is not subject to the procedures set forth in Section 12028, 12030, or 12032.

(C) Where the sale, delivery, or transfer is of a handgun, on the date that the handgun is delivered pursuant to this subdivision by the agency, a record of the delivery has been entered into the Automated Firearms System (AFS) via the California Law Enforcement Telecommunications System (CLETS) by the law enforcement or state agency. Those agencies without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

~~(H)~~
(10) Any agency that is the registered owner of an institutional weapon in accordance with paragraph (2), which subsequently destroys the same, shall enter that information into the AFS via CLETS within 10 days of the destruction in accordance with procedures prescribed by the Department of Justice. Agencies without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

(b) (1) Section 12071, subdivisions (c) and (d) of Section 12072, and subdivision (b) of Section 12801 shall not apply to deliveries, sales, or transfers of firearms between or to importers and manufacturers of firearms licensed to engage in that business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

1 (2) Subdivision (b) of Section 12801 shall not apply to the
2 delivery, sale, or transfer of a handgun to a person licensed pursuant
3 to Section 12071, where the licensee is receiving the handgun in
4 the course and scope of his or her activities as a person licensed
5 pursuant to Section 12071.

6 (c) (1) Subdivision (d) of Section 12072 shall not apply to the
7 infrequent transfer of a firearm that is not a handgun by gift,
8 bequest, intestate succession, or other means by one individual to
9 another if both individuals are members of the same immediate
10 family.

11 (2) Subdivision (d) of Section 12072 shall not apply to the
12 infrequent transfer of a handgun by gift, bequest, intestate
13 succession, or other means by one individual to another if both
14 individuals are members of the same immediate family and all of
15 the following conditions are met:

16 (A) The person to whom the firearm is transferred shall, within
17 30 days of taking possession of the firearm, forward by prepaid
18 mail or deliver in person to the Department of Justice, a report that
19 includes information concerning the individual taking possession
20 of the firearm, how title was obtained and from whom, and a
21 description of the firearm in question. The report forms that
22 individuals complete pursuant to this paragraph shall be provided
23 to them by the Department of Justice.

24 (B) The person taking title to the firearm shall first obtain a
25 handgun safety certificate.

26 (C) The person receiving the firearm is 18 years of age or older.

27 (3) As used in this subdivision, “immediate family member”
28 means any one of the following relationships:

29 (A) Parent and child.

30 (B) Grandparent and grandchild.

31 (d) (1) Subdivision (d) of Section 12072 shall not apply to the
32 infrequent loan of firearms between persons who are personally
33 known to each other for any lawful purpose, if the loan does not
34 exceed 30 days in duration and, when the firearm is a handgun,
35 commencing January 1, 2003, the individual being loaned the
36 handgun has a valid handgun safety certificate.

37 (2) Subdivision (d) of Section 12072, and subdivision (b) of
38 Section 12801 shall not apply to the loan of a firearm where all of
39 the following conditions exist:

1 (A) The person loaning the firearm is at all times within the
2 presence of the person being loaned the firearm.

3 (B) The loan is for a lawful purpose.

4 (C) The loan does not exceed three days in duration.

5 (D) The individual receiving the firearm is not prohibited by
6 state or federal law from possessing, receiving, owning, or
7 purchasing a firearm.

8 (E) The person loaning the firearm is 18 years of age or older.

9 (F) The person being loaned the firearm is 18 years of age or
10 older.

11 (e) Section 12071, subdivisions (c) and (d) of Section 12072,
12 and subdivision (b) of Section 12801 shall not apply to the delivery
13 of a firearm to a gunsmith for service or repair, or to the return of
14 the firearm to its owner by the gunsmith.

15 (f) Subdivision (d) of Section 12072 and subdivision (b) of
16 Section 12801 shall not apply to the sale, delivery, or transfer of
17 firearms by persons who reside in this state to persons who reside
18 outside this state who are licensed pursuant to Chapter 44
19 (commencing with Section 921) of Title 18 of the United States
20 Code and the regulations issued pursuant thereto, if the sale,
21 delivery, or transfer is in accordance with Chapter 44 (commencing
22 with Section 921) of Title 18 of the United States Code and the
23 regulations issued pursuant thereto.

24 (g) (1) Subdivision (d) of Section 12072 shall not apply to the
25 infrequent sale or transfer of a firearm, other than a handgun, at
26 auctions or similar events conducted by nonprofit mutual or public
27 benefit corporations organized pursuant to the Corporations Code.

28 As used in this paragraph, the term “infrequent” shall not be
29 construed to prohibit different local chapters of the same nonprofit
30 corporation from conducting auctions or similar events, provided
31 the individual local chapter conducts the auctions or similar events
32 infrequently. It is the intent of the Legislature that different local
33 chapters, representing different localities, be entitled to invoke the
34 exemption created by this paragraph, notwithstanding the frequency
35 with which other chapters of the same nonprofit corporation may
36 conduct auctions or similar events.

37 (2) Subdivision (d) of Section 12072 shall not apply to the
38 transfer of a firearm other than a handgun, if the firearm is donated
39 for an auction or similar event described in paragraph (1) and the

1 firearm is delivered to the nonprofit corporation immediately
2 preceding, or contemporaneous with, the auction or similar event.

3 (3) The waiting period described in Sections 12071 and 12072
4 shall not apply to a dealer who delivers a firearm other than a
5 handgun at an auction or similar event described in paragraph (1),
6 as authorized by subparagraph (C) of paragraph (1) of subdivision
7 (b) of Section 12071. Within two business days of completion of
8 the application to purchase, the dealer shall forward by prepaid
9 mail to the Department of Justice a report of the same as is
10 indicated in subdivision (c) of Section 12077. If the electronic or
11 telephonic transfer of applicant information is used, within two
12 business days of completion of the application to purchase, the
13 dealer delivering the firearm shall transmit to the Department of
14 Justice an electronic or telephonic report of the same as is indicated
15 in subdivision (c) of Section 12077.

16 (h) Subdivision (d) of Section 12072 and subdivision (b) of
17 Section 12801 shall not apply to the loan of a firearm to a person
18 18 years of age or older for the purposes of shooting at targets if
19 the loan occurs on the premises of a target facility that holds a
20 business or regulatory license or on the premises of any club or
21 organization organized for the purposes of practicing shooting at
22 targets upon established ranges, whether public or private, if the
23 firearm is at all times kept within the premises of the target range
24 or on the premises of the club or organization.

25 (i) (1) Subdivision (d) of Section 12072 shall not apply to a
26 person who takes title or possession of a firearm that is not a
27 handgun by operation of law if the person is not prohibited by state
28 or federal law from possessing, receiving, owning, or purchasing
29 a firearm.

30 (2) Subdivision (d) of Section 12072 shall not apply to a person
31 who takes title or possession of a handgun by operation of law if
32 the person is not prohibited by state or federal law from possessing,
33 receiving, owning, or purchasing a firearm and all of the following
34 conditions are met:

35 (A) If the person taking title or possession is neither a levying
36 officer as defined in Section 481.140, 511.060, or 680.210 of the
37 Code of Civil Procedure, nor a person who is receiving that firearm
38 pursuant to subparagraph (G), (I), or (J) of paragraph (2) of
39 subdivision (u), the person shall, within 30 days of taking
40 possession, forward by prepaid mail or deliver in person to the

1 Department of Justice, a report of information concerning the
2 individual taking possession of the firearm, how title or possession
3 was obtained and from whom, and a description of the firearm in
4 question. The reports that individuals complete pursuant to this
5 paragraph shall be provided to them by the department.

6 (B) If the person taking title or possession is receiving the
7 firearm pursuant to subparagraph (G) of paragraph (2) of
8 subdivision (u), the person shall do both of the following:

9 (i) Within 30 days of taking possession, forward by prepaid
10 mail or deliver in person to the department, a report of information
11 concerning the individual taking possession of the firearm, how
12 title or possession was obtained and from whom, and a description
13 of the firearm in question. The reports that individuals complete
14 pursuant to this paragraph shall be provided to them by the
15 department.

16 (ii) Prior to taking title or possession of the firearm, the person
17 shall obtain a handgun safety certificate.

18 (C) Where the person receiving title or possession of the
19 handgun is a person described in subparagraph (I) of paragraph
20 (2) of subdivision (u), on the date that the person is delivered the
21 firearm, the name and other information concerning the person
22 taking possession of the firearm, how title or possession of the
23 firearm was obtained and from whom, and a description of the
24 firearm by make, model, serial number, and other identifying
25 characteristics, shall be entered into the Automated Firearms
26 System (AFS) via the California Law Enforcement
27 Telecommunications System (CLETS) by the law enforcement or
28 state agency that transferred or delivered the firearm. Those
29 agencies without access to AFS shall arrange with the sheriff of
30 the county in which the agency is located to input this information
31 via this system.

32 (D) Where the person receiving title or possession of the
33 handgun is a person described in subparagraph (J) of paragraph
34 (2) of subdivision (u), on the date that the person is delivered the
35 firearm, the name and other information concerning the person
36 taking possession of the firearm, how title or possession of the
37 firearm was obtained and from whom, and a description of the
38 firearm by make, model, serial number, and other identifying
39 characteristics, shall be entered into the AFS via the CLETS by
40 the law enforcement or state agency that transferred or delivered

1 the firearm. Those agencies without access to AFS shall arrange
2 with the sheriff of the county in which the agency is located to
3 input this information via this system. In addition, that law
4 enforcement agency shall not deliver that handgun to the person
5 referred to in this subparagraph unless, prior to the delivery of the
6 same, the person presents proof to the agency that he or she is the
7 holder of a handgun safety certificate.

8 (3) Subdivision (d) of Section 12072 shall not apply to a person
9 who takes possession of a firearm by operation of law in a
10 representative capacity who subsequently transfers ownership of
11 the firearm to himself or herself in his or her individual capacity.
12 In the case of a handgun, the individual shall obtain a handgun
13 safety certificate prior to transferring ownership to himself or
14 herself, or taking possession of a handgun in an individual capacity.

15 (j) Subdivision (d) of Section 12072 and subdivision (b) of
16 Section 12801 shall not apply to deliveries, transfers, or returns
17 of firearms made pursuant to Section 12021.3, 12028, 12028.5, or
18 12030.

19 (k) Section 12071, subdivision (c) of Section 12072, and
20 subdivision (b) of Section 12801 shall not apply to any of the
21 following:

22 (1) The delivery, sale, or transfer of unloaded firearms that are
23 not handguns by a dealer to another dealer upon proof of
24 compliance with the requirements of paragraph (1) of subdivision
25 (f) of Section 12072.

26 (2) The delivery, sale, or transfer of unloaded firearms by dealers
27 to persons who reside outside this state who are licensed pursuant
28 to Chapter 44 (commencing with Section 921) of Title 18 of the
29 United States Code and the regulations issued pursuant thereto.

30 (3) The delivery, sale, or transfer of unloaded firearms to a
31 wholesaler if the firearms are being returned to the wholesaler and
32 are intended as merchandise in the wholesaler's business.

33 (4) The delivery, sale, or transfer of unloaded firearms by one
34 dealer to another dealer if the firearms are intended as merchandise
35 in the receiving dealer's business upon proof of compliance with
36 the requirements of paragraph (1) of subdivision (f) of Section
37 12072.

38 (5) The delivery, sale, or transfer of an unloaded firearm that is
39 not a handgun by a dealer to himself or herself.

(6) The loan of an unloaded firearm by a dealer who also operates a target facility that holds a business or regulatory license on the premises of the building designated in the license or whose building designated in the license is on the premises of any club or organization organized for the purposes of practicing shooting at targets upon established ranges, whether public or private, to a person at that target facility or that club or organization, if the firearm is at all times kept within the premises of the target range or on the premises of the club or organization.

(l) A person who is exempt from subdivision (d) of Section 12072 or is otherwise not required by law to report his or her acquisition, ownership, destruction, or disposal of a firearm or who moves out of this state with his or her firearm may submit a report of the same to the Department of Justice in a format prescribed by the department.

(m) Subdivision (d) of Section 12072 and subdivision (b) of Section 12801 shall not apply to the delivery, sale, or transfer of unloaded firearms to a wholesaler as merchandise in the wholesaler's business by manufacturers or importers licensed to engage in that business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, or by another wholesaler, if the delivery, sale, or transfer is made in accordance with Chapter 44 (commencing with Section 921) of Title 18 of the United States Code.

(n) (1) The waiting period described in Section 12071 or 12072 shall not apply to the delivery, sale, or transfer of a handgun by a dealer in either of the following situations:

(A) The dealer is delivering the firearm to another dealer and it is not intended as merchandise in the receiving dealer's business.

(B) The dealer is delivering the firearm to himself or herself and it is not intended as merchandise in his or her business.

(2) In order for this subdivision to apply, both of the following shall occur:

(A) If the dealer is receiving the firearm from another dealer, the dealer receiving the firearm shall present proof to the dealer delivering the firearm that he or she is licensed pursuant to Section 12071 by complying with paragraph (1) of subdivision (f) of Section 12072.

1 (B) Whether the dealer is delivering, selling, or transferring the
2 firearm to himself or herself or to another dealer, on the date that
3 the application to purchase is completed, the dealer delivering the
4 firearm shall forward by prepaid mail to the Department of Justice
5 a report of the same and the type of information concerning the
6 purchaser or transferee as is indicated in subdivision (b) of Section
7 12077. Where the electronic or telephonic transfer of applicant
8 information is used, on the date that the application to purchase is
9 completed, the dealer delivering the firearm shall transmit an
10 electronic or telephonic report of the same and the type of
11 information concerning the purchaser or transferee as is indicated
12 in subdivision (b) of Section 12077.

13 (o) Section 12071 and subdivisions (c), (d), and paragraph (1)
14 of subdivision (f) of Section 12072 shall not apply to the delivery,
15 sale, or transfer of firearms regulated pursuant to Section 12020,
16 Chapter 2 (commencing with Section 12200), or Chapter 2.3
17 (commencing with Section 12275), if the delivery, sale, or transfer
18 is conducted in accordance with the applicable provisions of
19 Section 12020, Chapter 2 (commencing with Section 12200), or
20 Chapter 2.3 (commencing with Section 12275).

21 (p) (1) Paragraph (3) of subdivision (a) and subdivision (d) of
22 Section 12072 shall not apply to the loan of a firearm that is not a
23 handgun to a minor, with the express permission of the parent or
24 legal guardian of the minor, if the loan does not exceed 30 days
25 in duration and is for a lawful purpose.

26 (2) Paragraph (3) of subdivision (a) of Section 12072,
27 subdivision (d) of Section 12072, and subdivision (b) of Section
28 12801 shall not apply to the loan of a handgun to a minor by a
29 person who is not the parent or legal guardian of the minor if all
30 of the following circumstances exist:

31 (A) The minor has the written consent of his or her parent or
32 legal guardian that is presented at the time of, or prior to the time
33 of, the loan, or is accompanied by his or her parent or legal
34 guardian at the time the loan is made.

35 (B) The minor is being loaned the firearm for the purpose of
36 engaging in a lawful, recreational sport, including, but not limited
37 to, competitive shooting, or agricultural, ranching, or hunting
38 activity, or a motion picture, television, or video production, or
39 entertainment or theatrical event, the nature of which involves the
40 use of a firearm.

1 (C) The duration of the loan does not exceed the amount of time
2 that is reasonably necessary to engage in the lawful, recreational
3 sport, including, but not limited to, competitive shooting, or
4 agricultural, ranching, or hunting activity, or a motion picture,
5 television, or video production, or entertainment or theatrical event,
6 the nature of which involves the use of a firearm.

7 (D) The duration of the loan does not, in any event, exceed 10
8 days.

9 (3) Paragraph (3) of subdivision (a), and subdivision (d), of
10 Section 12072, and subdivision (b) of Section 12801 shall not
11 apply to the loan of a handgun to a minor by his or her parent or
12 legal guardian if both of the following circumstances exist:

13 (A) The minor is being loaned the firearm for the purposes of
14 engaging in a lawful, recreational sport, including, but not limited
15 to, competitive shooting, or agricultural, ranching, or hunting
16 activity, or a motion picture, television, or video production, or
17 entertainment or theatrical event, the nature of which involves the
18 use of a firearm.

19 (B) The duration of the loan does not exceed the amount of time
20 that is reasonably necessary to engage in the lawful, recreational
21 sport, including, but not limited to, competitive shooting, or
22 agricultural, ranching, or hunting activity, or a motion picture,
23 television, or video production, or entertainment or theatrical event,
24 the nature of which involves the use of a firearm.

25 (4) Paragraph (3) of subdivision (a), and subdivision (d), of
26 Section 12072 shall not apply to the transfer or loan of a firearm
27 that is not a handgun to a minor by his or her parent or legal
28 guardian.

29 (5) Paragraph (3) of subdivision (a), and subdivision (d), of
30 Section 12072 shall not apply to the transfer or loan of a firearm
31 that is not a handgun to a minor by his or her grandparent who is
32 not the legal guardian of the minor if the transfer is done with the
33 express permission of the parent or legal guardian of the minor.

34 (6) Subparagraph (A) of paragraph (3) of subdivision (a) of
35 Section 12072 shall not apply to the sale of a handgun if both of
36 the following requirements are satisfied:

37 (A) The sale is to a person who is at least 18 years of age.

38 (B) The firearm is an antique firearm as defined in paragraph
39 (16) of subsection (a) of Section 921 of Title 18 of the United
40 States Code.

1 (q) Subdivision (d) of Section 12072 shall not apply to the loan
2 of a firearm that is not a handgun to a licensed hunter for use by
3 that licensed hunter for a period of time not to exceed the duration
4 of the hunting season for which that firearm is to be used.

5 (r) The waiting period described in Section 12071 or 12072
6 shall not apply to the delivery, sale, or transfer of a firearm to the
7 holder of a special weapons permit issued by the Department of
8 Justice issued pursuant to Section 12095, 12230, 12250, or 12305.
9 On the date that the application to purchase is completed, the dealer
10 delivering the firearm shall transmit to the Department of Justice
11 an electronic or telephonic report of the same as is indicated in
12 subdivision (b) or (c) of Section 12077.

13 (s) (1) Subdivision (d) of Section 12072 and subdivision (b) of
14 Section 12801 shall not apply to the infrequent loan of an unloaded
15 firearm by a person who is neither a dealer as defined in Section
16 12071 nor a federal firearms licensee pursuant to Chapter 44 of
17 Title 18 of the United States Code, to a person 18 years of age or
18 older for use solely as a prop in a motion picture, television, video,
19 theatrical, or other entertainment production or event.

20 (2) Subdivision (d), and paragraph (1) of subdivision (f), of
21 Section 12072, and subdivision (b) of Section 12801 shall not
22 apply to the loan of an unloaded firearm by a person who is not a
23 dealer as defined in Section 12071 but who is a federal firearms
24 licensee pursuant to Chapter 44 of Title 18 of the United States
25 Code, to a person who possesses a valid entertainment firearms
26 permit issued pursuant to Section 12081, for use solely as a prop
27 in a motion picture, television, video, theatrical, or other
28 entertainment production or event. The person loaning the firearm
29 pursuant to this paragraph shall retain a photocopy of the
30 entertainment firearms permit as proof of compliance with this
31 requirement.

32 (3) Subdivision (b) of Section 12071, subdivision (c) of, and
33 paragraph (1) of subdivision (f) of, Section 12072, and subdivision
34 (b) of Section 12801 shall not apply to the loan of an unloaded
35 firearm by a dealer as defined in Section 12071, to a person who
36 possesses a valid entertainment firearms permit issued pursuant
37 to Section 12081, for use solely as a prop in a motion picture,
38 television, video, theatrical, or other entertainment production or
39 event. The dealer shall retain a photocopy of the entertainment
40 firearms permit as proof of compliance with this requirement.

(4) Subdivision (b) of Section 12071, subdivision (c) and paragraph (1) of subdivision (f) of Section 12072, and subdivision (b) of Section 12801 shall not apply to the loan of an unloaded firearm to a consultant-evaluator by a person licensed pursuant to Section 12071 if the loan does not exceed 45 days from the date of delivery. At the time of the loan, the consultant-evaluator shall provide the following information, which the dealer shall retain for two years:

(A) A photocopy of a valid, current, government-issued identification to determine the consultant-evaluator's identity, including, but not limited to, a California driver's license, identification card, or passport.

(B) A photocopy of the consultant-evaluator's valid, current certificate of eligibility.

(C) A letter from the person licensed as an importer, manufacturer, or dealer pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, with whom the consultant-evaluator has a bona fide business relationship. The letter shall detail the bona fide business purposes for which the firearm is being loaned and confirm that the consultant-evaluator is being loaned the firearm as part of a bona fide business relationship.

(D) The signature of the consultant-evaluator on a form indicating the date the firearm is loaned and the last day the firearm may be returned.

(t) (1) The waiting period described in Section 12071 or 12072 shall not apply to the sale, delivery, loan, or transfer of a firearm that is a curio or relic, as defined in Section 478.11 of Title 27 of the Code of Federal Regulations, or its successor, by a dealer to a person who is licensed as a collector pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto who has a current certificate of eligibility issued to him or her by the Department of Justice pursuant to Section 12071. On the date that the delivery, sale, or transfer is made, the dealer delivering the firearm shall transmit to the Department of Justice an electronic or telephonic report of the transaction as is indicated in subdivision (b) or (c) of Section 12077.

(2) Subdivision (d) and paragraph (1) of subdivision (f) of Section 12072 shall not apply to the infrequent sale, loan, or

1 transfer of a firearm that is not a handgun, which is a curio or relic
2 manufactured at least 50 years prior to the current date, but not
3 including replicas thereof, as defined in Section 478.11 of Title
4 27 of the Code of Federal Regulations, or its successor.

5 (u) As used in this section:

6 (1) “Infrequent” has the same meaning as in paragraph (1) of
7 subdivision (c) of Section 12070.

8 (2) “A person taking title or possession of firearms by operation
9 of law” includes, but is not limited to, any of the following
10 instances wherein an individual receives title to, or possession of,
11 firearms:

12 (A) The executor or administrator of an estate if the estate
13 includes firearms.

14 (B) A secured creditor or an agent or employee thereof when
15 the firearms are possessed as collateral for, or as a result of, a
16 default under a security agreement under the Commercial Code.

17 (C) A levying officer, as defined in Section 481.140, 511.060,
18 or 680.260 of the Code of Civil Procedure.

19 (D) A receiver performing his or her functions as a receiver if
20 the receivership estate includes firearms.

21 (E) A trustee in bankruptcy performing his or her duties if the
22 bankruptcy estate includes firearms.

23 (F) An assignee for the benefit of creditors performing his or
24 her functions as an assignee, if the assignment includes firearms.

25 (G) A transmutation of property consisting of firearms pursuant
26 to Section 850 of the Family Code.

27 (H) Firearms passing to a surviving spouse pursuant to Chapter
28 1 (commencing with Section 13500) of Part 2 of Division 8 of the
29 Probate Code.

30 (I) Firearms received by the family of a police officer or deputy
31 sheriff from a local agency pursuant to Section 50081 of the
32 Government Code.

33 (J) The transfer of a firearm by a law enforcement agency to
34 the person who found the firearm where the delivery is to the
35 person as the finder of the firearm pursuant to Article 1
36 (commencing with Section 2080) of Chapter 4 of Division 3 of
37 the Civil Code.

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